

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00074-MR
[CRIMINAL CASE NO. 1:12-cr-00055-MR-1]**

CEDRIC LLAWENLLYN SURRATT,
Petitioner,
vs.
UNITED STATES OF AMERICA,
Respondent.

ORDER

THIS MATTER comes before the Court upon the Petitioner’s “Relief from Judgment, Order Pursuant to F. R. Civ. P. 60(b)(6)” [Doc. 11], and the Petitioner’s “Motion for Judgment on Pleadings Fed. R. Civ. P. 12(c) of (f) in the Alternative Petition for Writ of Mandamus Fed. R. App. P. 21” [Doc. 13].

On May 22, 2018, the Court entered an Order denying and dismissing the Petitioner's motion to vacate pursuant to 28 U.S.C. § 2255 as untimely. [Doc. 3]. The Petitioner moved to alter or amend the judgment, which the Court denied. [Doc. 6]. The Petitioner appealed, but the Fourth Circuit dismissed his appeal and denied a certificate of appealability. [Doc. 10].

The Petitioner now moves for reconsideration of the Court's May 22, 2018 Order pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure.

[Doc. 11]. In his second motion, the Petitioner moves for a ruling on his Rule 60(b) motion. [Doc. 13].

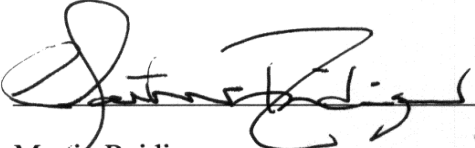
Upon review of the Petitioner's Rule 60(b) motion, the Court finds no basis in law to reconsider the Court's prior Order denying and dismissing the Petitioner's motion to vacate under 28 U.S.C. § 2255.

IT IS, THEREFORE, ORDERED that the Petitioner's "Relief from Judgment, Order Pursuant to F. R. Civ. P. 60(b)(6)" [Doc. 11], and the Petitioner's "Motion for Judgment on Pleadings Fed. R. Civ. P. 12(c) of (f) in the Alternative Petition for Writ of Mandamus Fed. R. App. P. 21" [Doc. 13] are **DENIED**.

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, the Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

Signed: May 3, 2019


Martin Reidinger
United States District Judge

